

Joint Commission on Technology and Science

2005 Legislative Proposals*

1. Social Security Number Misuse

Subject: Amends the Personal Information Privacy Act to prohibit intentionally communicating or otherwise making available an individual's social security number to the general public, printing it on any card required to access goods or services, printing it on anything mailed if it is visible from the outside, or requiring its use in an unsecure manner.

Background: The House Committee on Science and Technology carried over this bill, a JCOTS recommendation, during the 2004 General Assembly and asked JCOTS to continue studying it. This measure limits the appearance of a key identifier for access to financial and medical records as a means of addressing both privacy and identity theft concerns. It adopts best practices that already are required of certain industries.

2. Unique Identifying Numbers on Public Records

Subject: Requires public records be configured to prevent disclosure of more than the last four digits of any unique identifying financial or personal number, including, but not limited to, social security number, bank account number, credit card number or driver's license number prior to being made available for general public inspection. Also prevents filing or creating public records that contain more than the last four digits of any unique identifying financial or personal number, including, but not limited to, social security number, bank account number, credit card number or driver's license number.

Background: During the 2004 Regular Session, the General Assembly passed HB 543, a JCOTS recommendation, with a reenactment clause. JCOTS continues to study this issue. This measure limits the appearance of key identifiers for access to financial records as a means of addressing both privacy and identity theft concerns.

3. Personal Information on Negotiable Instruments

Subject: Limits the personal identification information that can be required as a condition of accepting a negotiable instrument.

Background: During the 2004 Regular Session, the General Assembly passed HB 1424, a bill that restricts the use of birth dates on checks. This proposal is a natural extension of that bill and restricts the use of personal information on all negotiable instruments that can be used to commit financial fraud and identity theft. This measure limits the use of key information for access to financial records as a means of addressing both privacy and identity theft concerns. Virginia Driver's Licenses may contain SSNs until July 1, 2008 – Until July 1, 2008, a social security number that is also the individual's driver's license number shall not be considered a social security number for the purposes of this act.)

4. Sale of Purchaser Information

Subject: Updates the Virginia Personal Information Privacy Act to address gathering information in connection with licensing and leasing goods and services in addition to selling, renting and exchanging.

Background: Updates language to address current business models.

5. Notice of Security Breaches

Subject: Requires any state agency or business that owns or licenses a computerized database that includes personal information to disclose a breach of the security of that system to any resident of the Commonwealth whose unencrypted personal information may have been acquired by an unauthorized person.

Background: This proposed is being circulated with the permission of its requestor.

6. Social Security Numbers on Land Records

Subject: Requires that any document to be recorded in the deed books of any Circuit Court clerk's office not contain a complete social security number after July 1, 2005.

Background: Jack Kennedy, Clerk of Circuit Court, Wise County and City of Norton, suggested to the 2003 Advisory Committee on Consumer Protection that § 17.1-227 of the Code of Virginia be amended to add the requirement that any document to be recorded in the deed books of any Circuit Court clerk's office not contain a complete social security number after July 1, 2004. This language is an alternative version of that proposal that furthers the policies being discussed by the 2004 Advisory Committee on Privacy.

*** Public Comment is due to JCOTS by October 15, 2004. Full text of each legislative proposal is available at http://198.246.135.25/Legislation/05_comments.htm. JCOTS will adopt its final 2005 legislative package on December 1, 2004.**